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2008 SEP -8 AM 10:37

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose TEXTA-Cipriano,

Defendant

Magistrate Docket No.

08 MJ 2753

BY KNH DEPUTY

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **September 4, 2008** within the Southern District of California, defendant, **Jose TEXTA-Cipriano**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF SEPTEMBER,
2008


Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

KNH
9/4/08
KNH

CONTINUATION OF COMPLAINT:

Jose TEXTA-Cipriano

PROBABLE CAUSE STATEMENT

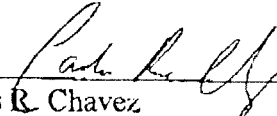
I declare under the penalty of perjury that the following statement is true and correct:

On September 4, 2008, Border Patrol Agent J. Ripplinger was assigned to line watch duties in the Chula Vista Border Patrol's area of operations. At approximately 8:50 p.m., Agent Ripplinger responded to a seismic intrusion device in an area known as "Little Cedar." This area is located approximately six miles east of the Otay Mesa, California Port of Entry and approximately three miles north of the United States/Mexico International Boundary. This area is frequently used by undocumented aliens in an attempt to further their illegal entry into the United States.


Agent Ripplinger responded to the area and found six individuals hiding in a bush. Agent Ripplinger approached the individuals and identified himself as a United States Border Patrol Agent and questioned the subjects as to their citizenship and nationality. All the individuals, including one later identified as the defendant **Jose TEXTA-Cipriano**, responded "Mexico." All the individuals were then asked if they had entered the United States illegally and all including the defendant answered "Yes." Agent Ripplinger then asked the individuals if they possessed any immigration documents that would allow them to enter or remain legally in the United States and all, including the defendant stated, "No." At approximately 9:00 p.m., Agent Ripplinger placed all the individuals under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

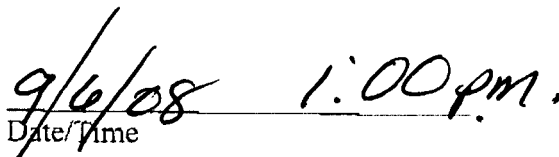
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 2, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on September 6, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **September 4, 2008**, in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter
United States Magistrate Judge


Date/Time